

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>MARK-ALONZO WILLIAMS,</b>	)	
<b>Plaintiff,</b>	)	<b>Case No. 1:17-cv-251</b>
	)	
	)	
<b>v.</b>	)	<b>District Judge Baxter</b>
	)	<b>Magistrate Judge Lanzillo</b>
	)	
<b>MICHAEL OVERMYER, et al.,</b>	)	<b>RE: ECF No. 407</b>
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

This case has an extensive procedural history. Most recently, Plaintiff has filed a “Notice to the District Judge and/or in the Alternative a Request for a Definitive Statement.” ECF No. 407. In this filing, Plaintiff complains that this case is stalled in the discovery phase because Magistrate Judge Lanzillo has granted Defendants numerous extensions of time. Plaintiff also complains that Judge Lanzillo has not urged Defendants to settle this matter. *Id.* Plaintiff requests that the undersigned issue “(1) a definitive statement ... on the cause(s) for the season(s) of repeated delay(s) in this civil case, (2) the reason for no sanctions issued despite flagrant violations to Rule(s) by the Deputy Attorney General, and (3) may Plaintiff have a fair hearing on the merits of this case forthwith?” *Id.*

The matter was assigned to the undersigned and referred to United States Magistrate Judge Richard A. Lanzillo in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. Under this referral, Judge



Lanzillo handles all non-dispositive motions and makes recommendations on dispositive motions. F.R.C.P. 72. Any party may object to an order or to a recommendation but must do so in a timely manner. *Id.*

It is difficult to discern what Plaintiff is requesting of the undersigned in his current filing. Plaintiff does not object to any specific ruling, either by order or by recommendation, by Judge Lanzillo. Instead, Plaintiff makes general statements about his dissatisfaction with the movement of this case toward resolution.

Plaintiff's assertion that this case is languishing in the discovery phase is incorrect. Discovery closed long ago. Although this case is advanced in age, a review of the docket reveals that the much of the delay has occurred as a result of Plaintiff's near constant complaints of not receiving his legal mail and materials. While it is unclear whether those delays stemmed from opposing counsel's lack of diligence, Plaintiff's own dilatory tactics, or even negligence on the part of the USPS or prison mailroom staff, there is no question that Judge Lanzillo engaged in continual and painstaking efforts to remedy that situation.

Furthermore, the undersigned notes that whether Plaintiff has exhausted his myriad claims against numerous Defendants has yet to be determined. Magistrate Judge Lanzillo has scheduled an evidentiary hearing on December 12, 2022 in this regard, and has issued several orders designed to ensure that each party enters into that hearing with a full and complete evidentiary record. *See* ECF No. 406.

Nothing in Judge Lanzillo's handling of this case, either specifically or generally, has been clearly erroneous or contrary to law. F.R.C.P. 72. Accordingly, Plaintiff's request for relief is denied.



AND NOW, this 9th day of December 2022;

IT IS ORDERED that Plaintiff's Notice and Request for a Definitive Statement [ECF No. 407] is denied.

/s/ Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
United States District Judge